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Productive Players: online computer games' challenge to conventional media forms

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ABSTRACT

The online multi-user game is an exemplar of the emergent structures of interactive media. Social relationships and community networks are formed, and developer/player relationships are negotiated around ongoing development of the game features and player created content. The line between production and consumption of the text has become blurred because of the text's structural features, and the lines between social and economic relationships must be redrawn as a consequence. This paper explores the shifts in these relationships, using EverQuest as a case study. It suggests the dynamic, mutable and emergent qualities of the online multiplayer game exceed the limits of the reifying processes embodied by copyright law and content regulation regimes.

Keywords: Massive multiplayer online games, regulation, production, Intellectual Property, players.

Why Computer Games?

Computer games are an important media to study for a number of reasons. Markets and revenues rival Hollywood, and the player population is a demanding one which has pushed the development of innovations in both technical and interface areas. If we view games as a remarkably successful set of applications in the realm of new media, then understanding how they work becomes a project important for a much broader field of study.

Computer games have been a marginalised area of study, devalued over their content, perhaps seen as crassly commercial rather than importantly successful. Much of what has been written about them is effects-based psychology work. I want to argue firstly that computer games are successful because they are more than repurposed 'old' media, they are structurally different texts that exploit the multi-directional feedback loops offered by the medium. Computer games draw on their audiences' (players') inputs, require participation and give feedback and rewards. More recently, with the advent of multiplayer online games, they also exploit the networking aspects of the technology and have thus become intensely social. Secondly I want to argue that, because their structural difference places the player in a *configurative* role, it is no longer appropriate to use the models for regulation that have commonly been used for other media. These models are based on a linear producer/consumer trajectory, where producers, text and consumers can each be taken as discrete areas.

Instead, we need to try and understand the ways in which this media has become a blend of a publication mechanism (which is more amenable to producer/consumer frameworks), and a 'service industry' mechanism, incorporating social and community relationships as core business. Accordingly, I use the Massive Multiplayer Online Game (MMOG) *EverQuest* as a case study to examine firstly how an online game disrupts 'old media' conventions. Secondly I touch on the implications of this disruption in the areas of Intellectual Property, content regulation, and the relationship between commerce and culture. Each of these three areas is

the subject of much debate in internet studies, but it strikes me that these debates are often focused on what I would term as 'old media' frameworks (dilemmas about publication, ownership and distribution of 'static' or 'fixed' texts, Napster being the most obvious case). In this paper I want to look at how the structural differences presented by an online multi-user game like *EverQuest* intersect with these debates and produce new tensions.

What's new about *EverQuest* and its genre?

Computer games bring players into a productive relationship with the text. This is more than the active interpretation we engage in with conventional media texts, more than identity construction through consumption[1]; this is an engagement which serves to *create* the text each time it is engaged with.

Computer games, while they employ aspects of narrative, often in a somewhat instrumental way[2], can be seen to lack the elements of narrative that make stories compelling and successful in old media – characterisation, plot, closure immanent in each element of the story. Games also bear a different relationship to time, being a present tense medium, rather than a past tense 'retelling' form[3]. The elements that tend to drive a game can be identified in terms of goals, cybernetic feedback loops[4] and performance. Juul[5] notes the difference in the relationship of the player to the game as compared with the reader to the text. He suggests that because of the goal driven nature of games, the emotional engagement with the text comes, not from the engagement with characters and events such as occurs in conventional narratives, but because the player is an 'actant' themselves. The engagement comes because the player is the performer, and the game evaluates the performance (and adapts to it).

The player is thus implicated in the construction of the text through this required participation, and participation can lead to unpredictable outcomes. A textual analysis of the

'boxed product' sold in the store misses some of the key aspects of computer games that make them games. These are the aspects of play and interaction that animate the text and make it different every time it is played. There is a trend towards games with much more open or emergent structures, where player direction is more *loosely* determined by the affordances in the game, and where the creativity of the player leads to new and unpredictable outcomes each time the game is played[6]. The massive multi-user online games are exemplars of this form.

The MMOG typifies a new kind of involvement of the player in the configuration of the text. Player 'investments' in the game occur at a number of different levels, and are integral and essential to the success of the game. My ethnographic and interview based research into *EverQuest* over the past year has identified a number of layers of 'productivity' on the part of players.

EverQuest is a multi user online role playing game, with over 400,000 players[7] who pay a monthly subscription fee to be able to access the servers that run the game. *EverQuest* is played in a three dimensional persistent world called Norrath. When a player logs into the game she or he interacts with both computer generated characters and characters that are controlled by other players. Thus much of the action takes place by playing with other people. Experience and higher levels are gained through a combination of killing computer generated monsters (mobs), developing trade skills, and managing resources and assets – the accumulation of wealth in the form of platinum pieces and weapons, armour and spells. Its aesthetic is typically mediaeval fantasy, with a large debt to Tolkien. In these respects it is like other MMOGs. Its rule structure makes it difficult to 'solo' the game – progress is generally faster and the game more entertaining when grouped with other players. There is no 'end' to *EverQuest* and some people have been playing for years now.

A typical session for a player might involve logging on to the game server (there are about 50 servers and usually players create their characters on one server only), checking who else is in the zone and who from their guild and their list of friends is also logged in to the world at large. From there the player may organise, through using the multiple chat channels, to group with people from their guild and go to a particular zone to fight mobs – perhaps as part of a quest someone is doing, or to group with people they know less well – perhaps people who are in the zone they are in, and whom they have never met before – and fight mobs in that zone. They may choose to sit and do 'trade-skills' – for instance baking, smithing, tinkering, jewelcraft and so on. Each of these 'skills' (they are really just a matter of clicking on items and dragging them from one container to another in a particular formula over and over again, and are known as the grind, or the most boring aspect to the game) produces items that are useful either for selling to other players, or wearing, or consuming. They are part of the in-game economy and high level tradeskills are required to complete some of the epic quests offered in the game.

Almost all players in a typical session will chat with other people – either with their guild mates through the guild chat channel, or with people they are playing with. If a player belongs to a 'raiding' guild they may be required to show up 3 or 4 times a week to go on guild raids in specific zones. Raids can last anywhere from an hour to 40 hours and can involve a small group or 70 or 80 people. The organisation required for these kinds of raids is phenomenal and guild boards on guild websites are often used to coordinate activities. Non-raiding guilds are more likely to be about sociability, making friends and exchanging advice, information and items. Playing involves both engaging with the tasks and quests offered by the game environment, and engaging with the other players.

Productive Players

How players invest in the game highlights its 'emergent' structure – the game is animated by player contributions, which vary depending on the player. The players also depend on each other for significant amounts of the game-play. The trajectory of game-play is thus contingent upon the particular dynamics and action generated by shifting combinations of players. In *EverQuest* investment begins with money (the set up CD and the ongoing subscription fees). But equally significant is the investment of time. Studies have shown that players spend on average 21-24 hours a week playing, with some playing many more hours than this[8]. It is an extremely complex game and can take months to learn.

Further player investment or productivity can be found in the numerous websites about the game. These are created by players and are not merely peripheral to the game, but essential guides. As a new player I once spent four days looking for a particular zone which was part of a quest. Another player eventually told me about the player created websites with detailed maps of all the zones and their connections, which could have saved me 3½ days of playing time. There are websites with guides on how to play particular classes in the game, how to develop the various trade-skills, what all the quests are and how to do them and so on. This information is almost essential to playing the game and is produced by other players. Players also create fanfict sites with game related narratives.

In the game, players participate in both short-term groups that may last for less than one session of play, and the longer term groups, known as guilds. The game engine structures tangible rewards into its rules for players who participate in the short term fighting groups. Every time a mob is killed, 'experience' is given to the player, advancing them up the

hierarchy of levels. More experience is given if a player is in a group of six than if they are alone or in a smaller group. A lot of time is spent teaming up with other players, organising and coordinating roles in order to fight efficiently, and managing group dynamics and tensions. A typical group may require a combination of melee or warrior class characters, and spell casters who can variously heal other players, damage mobs, cast beneficial spells on players to increase their capabilities, or cast detrimental spells on mobs to decrease theirs. Groups also have to deal with different playing styles of individual players and of course, different personality types.

Guilds, the longer term groups, are the source of many organised fighting raids, friendships and romantic liaisons, as players form relationships over periods of months or years. People create guild websites, they help out the newer players, they assist other guild members on quests and so on. They arrange online raids, parties and marriages, give presents, weapons, armour and advice. It is these social relationships that sustain the game over time. Friendships formed with other players keep players coming back.

This is a key point for the publishers[9], who run the game as a subscription based service. People pay around US$12 a month to subscribe to the game in order to access it. The publishers want to extend the game-play as far as possible to keep the subscriptions coming in. In an economist's terms, the rewards structured into the game for grouping and being social make the 'switching costs' high. The value of the social relationships is real, and represents both emotional and time commitments, and to start over in a new game would mean having to start the social processes of relationship and network building over again, as well representing a loss of relationships in the current game. Thus the cost of switching products is too high for some players to contemplate and they remain in the game well beyond their mastery of it. The structure of the game, with its integrated social features leads to

reasonably direct economic benefits for the publisher from social commitments made by the players. JC Herz notes that

> In a virtual environment as complex as a massively multi-player online world, whose success depends entirely on player interaction, developers recognize the player base as a strategic asset.[10]

She also states that:

> The game belongs to the players, as much as the developers. So it is in the developers' interest to keep players in the loop, as the game takes shape, and to leverage their experience. This is not a marketing ploy…, although it does generate good will. It is part of the core design process. [11]

The reference here is to both the relationships generated within the game and those 'external' to the game generated through websites, and bulletin boards which seek feedback and input into the game design process. The developers also add new features to the game, based to some extent on player feedback, to extend game-play. It can seen that 'production' continues well after the release of the game onto the market, and that it is contributed to by players both through the ongoing game-play and community, and feedback for further feature development.

It should be clear that the multi-player online game produces an emergent, mutable, and ongoing text, and that the social aspects of the game are structural and textual. They are integral, rather than incidental, to the 'publication' of the text, and contribute to its newness or difference from conventional media. I want to note here too, that the community interactions occur simultaneously all over the world of Norrath, and occur differently on the 50 or so different servers which run the game. This results in a 'text' that cannot be 'fixed' in a meaningful way – it is emerging in different ways in different places simultaneously.

This new model of media production is recursive, ongoing, and involves the media 'consumer' in production at various stages. What are the implications of having productive

players? Players are creators of the text; of community and networks of relationships; systems of governance and norms; of relationships with other players; and of characters. There are three main aspects to the multiplayer game that are important to the discussion that follows. These are firstly that the game is both textual and social and thus embodies both tangible and intangible assets. Secondly these assets are created by both the paid labour of the developer/publisher, and the unpaid labour of the players. Finally, that the text is dynamic, mutable and emergent – all qualities that differentiate it from conventional linear media.

How are we to think about this intersection of the social and textual, and its current commercial configuration? Does it matter that people are choosing to create communities in spaces which are commercial and proprietary? No-one is coerced into playing this game, and players enthusiastically and passionately invest time, emotions and money into it. Should we be concerned that this is occurring within a private rather than public sphere? Is this an exploitative relationship? Can corporations own peoples' relationships and communities? Who has what forms of power in this configuration of a media space? There are a number of ways at looking the issues that arise, and we need to tease out the complexities of them before making judgements.

Implications: intellectual property, regulation, commerce and culture

The MMOG represents a convergence of forms, and our approaches to it need a multidisciplinary outlook. I have thus far framed the phenomenon of the online multiplayer game from a media studies perspective – how it is different from conventional forms of media. I have pointed to the ways in which its non-linear form and ongoing production make a producer/consumer model of publication seem inadequate to the task of explanation and understanding. By the same token, any analysis of the social aspects should not miss the

embeddedness of this community within a media production cycle, and the publication institutions that structure it.

This is not an online chat room or email list community. The game adds specific layers of rules, governance, fantasy, goals and constraints. In the case of *EverQuest* and most other games it also binds players in a contractual relationship to an End User Licence Agreement (EULA), in which they give up ownership rights and IP rights to in-game content. They also accede to a regime of regulation in which behaviour deemed in violation of the spirit of the game can result, at Sony's discretion, in cancellation of the player's account. It seems clear that one thing this new media form generates is a new relationship between the developer and the player (no longer that of author/publisher and audience).

Issues these newly configured relationships and structures generate include the management of Intellectual Property and copyright, as the question of ownership and rights management of player created content arises. Secondly the 'enclosure' of symbolic space by corporations as they increasingly control access to community spaces and cultural capital. Thirdly, issues of regulation of the commercially owned social spaces: just how much and what kind of regulation occurs in these spaces and what are the ramifications? We need to consider legal frameworks other than IP and copyright – which are more pertinent to governance and regulation of social and community norms – but the existing alternative of content regulation regimes cannot account for the dynamic nature of a multi-player game. Fourthly, if corporations profit from the emotional and time investments of individual players it is easy to see this as exploitative. But the voluntary and passionate involvement of the players creates a more nuanced power dynamic than one of straightforward dominance and exploitation.

How far can Intellectual Property take us?

To someone approaching *EverQuest* from a sociological framework, (regarding it as a space of social interaction) the idea that one might consider it in the light of copyright might seem bizarre[12]. But this is a convergent form, with media-based roots, and game-play generates text. Computer gamers also have a long history of being content creators – 'mod' communities have created objects, environments, artificial intelligence (AI) agents, and entire games. The question of IP rights for player created content is not a new one. In this section I want to trace the ways in which IP relates to MMOGs (including assessing the ways in which non-linear production complicates the process) and then look at where this property based framework has crossed over to take hold in the social aspects of the game. This in turn has implications in the broader debate about the commodification of culture.

Conventional linear media (those that can be described as following a creation/ text/ consumption trajectory) have a suite of political, social and legal regulatory frameworks that have grown up around this structure. Copyright is one of these – it relies on the idea of an author, and a finished text, which is a 'fixed' expression of ideas, subject to rules of property (although these rules are somewhat different to laws that adhere to more 'material' property such as manufactured goods[13]). These rules pertain to distribution, access, and use, and the rights of both the producer and the consumer in relation to the fixed piece of work. Thus copyright relies on a particular model of production. What happens to this model as we get further into new media production models that disrupt the linearity of the process? How do you attribute copyright to a computer game which is in continual production and which is being authored by many people at once? Sony have claimed the copyright and IP over all aspects of *EverQuest* despite this input from participants. This is not to deny the immense amount of work that is involved in the creation and running of the game environment by the commercial developers. But rather to complicate the taken-for-grantedness of authorship of the 'text' that is the game – to point to ways in which consumers have become producers in

very concrete ways, and to question how the current frameworks of understanding we have, such as copyright, are disrupted by this.

Publishers and developers own copyrights and Intellectual Property in a work, while the workers paid to create it often give up those rights in return for wages. Players give up those rights as well (and pay for the privilege), but in return for access to the environment and the play. We could frame this as a joint production where the game is created by both a paid and an unpaid labour force and I will return to this concept in the latter part of this paper.

Various scholars[14] have pointed to the ways that publishers and corporations have positioned themselves as 'authors' to claim property rights in creative works. Originally copyright legislation was designed to compensate and inspire individual authors to further creativity whilst at the same time providing for a public domain to ensure access to knowledge and creativity for the greater community[15]. Copyright law currently seems to advantage corporations rather than authors or the community at large[16]. Increasingly restrictive copyright laws and IP Rights management software[17] are often viewed as the enclosure of the public domain by corporations. The key to commodification is the creation of scarcity. With knowledge based products this process can only take place by enclosing through a property framework what is otherwise a non-scarce resource which bares little inherent relationship to the concept of property. The previous balance sought between access and ownership is being compromised in favour of the authors (corporate IP holders) with a resulting loss of access by the public to creative works. However the idea of enclosure is slightly more complex when we consider it in the light of an environment that was always already commercial (*EverQuest*) and that is as much about community as about text.

In relation to a game like *EverQuest* we need to question whether the use of a EULA contract to extend the IP rights of the corporation to encompass the community life of the players is a legitimate move. Does it circumscribe the rights of players in its extension of property law to cover social relationships and community developed creativity? These questions resonate with those being asked about the commodification of 'traditional' or folk cultures, where corporations seek to own creative work previously held collectively by a culture[18]. Creative production is part of the fabric of culture which helps to construct the social ties and relationships of the culture. With reference to Native American culture Coombe points to the ways in which copyright or IP law freezes "… into categories what Native peoples find flowing in relationships that do not separate texts from ongoing creativity production, or ongoing creativity from social relationships…" [19]

We can frame the online environments of digital worlds in a similar way – the publication of the game at each instant representing not only a text but a social relationship in process – and find them equally unamenable to reification and ownership by a third party. The convergence of forms in this new media, whereby the expression of a social relationship takes a written and image-based form, has allowed an illegitimate foothold for property-based claims to creep into social relationships.

I want to turn to the question that has been posed by a number of authors (for instance: Taylor[20]) "who owns your online persona?" It seems to me this question goes to the heart of the ways in which the social and the textual intertwine and create unusual conditions for the commodification of identity. If we examine this question and how it has been framed, we can see the ways in which the material and the affective components of an avatar are often conflated. This gives us a clue as to how the property framework has been utilised by both publishers and players to give a property value to a social construct.

Taylor points to the trade of characters and items from inside *EverQuest* in external online auction houses. Players sometimes sell their character accounts when they reach a high level. Other people can buy the account, take over the character (and equipment the character has) and avoid the months of time required to develop a character. Sony specifically disallows this practice in the EULA.

Taylor relates the argument put forward by some players that the labour used to produce a character should be translated into a property right over that character. After you have invested months or even years of time building a character, who owns it, you or the developer? Taylor explains the rationale:

> Outside any individual player's time the account is in fact devoid of meaning. It takes a player to create a character and it takes the time of the player to develop that character. Through their labor they imbue it with qualities, status, accomplishments. Indeed, while the owners of a game provide the raw materials through which users can participate in a space, it is in large part only through the labor of the players that dynamic identities and characters are created, that culture and community come to grow. [21]

The social activity (or the affective labour) of the player builds community and the dynamic identity and status of the character. However I would argue the avatar itself does not hold these qualities. They are animated by the user. If the value of the player's activity or labour lies in the building of dynamic communities, this is not something which is being sold when an avatar account is being sold in an auction house. What *is* being sold is a well endowed avatar with valuable equipment on it. But not the persona behind the character. These are very different things. The value of player labour needs to be recognised as lying in the non-tangible area of social relationships and community building and maintenance, as well as the more tangible and exchangeable areas.

In teasing out the difference here I want to point to the ways in which such intangibles are not readily amenable to a property framework. You can sell the avatar, but not the persona that animated it, or the relationships, which have a very different value. Thus my question would not be "who owns your avatar, you or the developer?" but rather "can it be owned?". The value of the relationships and social community is definitely commercial for Sony. They rely on strong communities to extend game-play – players continue to play because of their social ties to the game. Sony also relies on community to make the game-space an attractive place for people to spend time. These are elements which have definite commercial value, but the value is not saleable or exchangeable in the terms laid out in the argument about the IP rights embodied in an avatar. Thus the value of the labour is only partly held in the material or 'textual' asset of the avatar.

Copyright and IP are part of a discourse with a very dominant set of ideas and associated practices which often sets the ground for how people understand and behave in these contexts. We can see from the discussion above, how property frameworks have come to be entwined with social relationships in a number of ways – for both developers and players. But it is possible to keep IP in the frame and also acknowledge the existence of other discourses with associated practices and outcomes. These more subjugated discourses don't rely on the concept of property. What other forms of regulation pertain to these new environments? What kind of participation is enabled, and what relations of power are generated by the game?

The regulation of social space.

Earlier in this paper I raised the question of whether it matters that people are choosing to create communities in spaces which are commercial and proprietary. Ultimately the concern may lie in the regimes of regulation to which users of proprietary software are subjected. Although some people may be dismissive about games communities as leisure communities

involving choice and pleasure, rather than embodying citizenship and freedom of expression issues, we can look to computer games for trends that may become significant in broader applications. Does it matter that some people are not able to access something as non-essential as a game space? Does it matter that particular constraints and behavioural norms are defined by the publishers? Perhaps it starts to matter if this becomes a widespread form of cultural interaction and a source of social capital for a significant proportion of a population:

> …we increasingly live in a world in which opting out of technological systems is becoming more and more difficult … and yet participation within them pushes us to accept structures we might oppose. [22]

If community life occurs within a proprietary 'closed' and branded environment, what forms of regulation should pertain to that community? Sony shapes what it is possible to communicate in this environment through the coding, rule structure, design elements and social regulation of the space. Do they in any way impinge upon rights that might be afforded to people under law in a public space? We might look to debates about gated communities[23] and the restrictions imposed upon (or acceded to by) residents in order to exclude particular types of people or behaviours from those communities. Regulation of the proprietary spaces of gated communities and the attendant issues of surveillance and privacy are still unresolved and the subject of legal debate. Although it may be that the interests of the corporation and the players of a game coincide, and no untoward or heavy-handed regulation occurs, in principle should a corporation have the power to regulate in this way? To whom is the corporation accountable?

As a further complicating gesture we can point to the ways in which much of the social regulation in a game happens through peer regulation, rather than direct regulation by the corporation. Thus the establishment and enforcement of behavioural norms occurs at a player level as well as at the behest of Sony. The game is a good example of panoptical surveillance, inducing self-regulation and peer regulation.

In conventional media terms, these issues are about the regulation of content. But as we have seen, in a MMOG content is dynamic, and production of it is ongoing. Content is not just text (as with conventional media subject to content regulation), but social relationships as well. Content is made by both the publisher and the player. In these terms current regimes of content regulation (for instance ratings systems) are inadequate to the task of creating and maintaining a culturally acceptable balance between the interests and/or rights of publishers and players. How are the publishers to be held accountable for the ways in which they choose to regulate the community space of the game? This is a policy question that will have to be addressed as proprietary interactive environments become a more prevalent part of our cultures.

Power and free labour

The processes involved in generating this game environment are not entirely about domination, excessive corporate power and powerlessness on the part of the players. The interests of commerce and the interests of culture are not necessarily opposed. Culture and commerce are intertwined spheres – they are not mutually exclusive, as some rhetoric would suggest, with culture existing as the 'pure' and unsullied form and commerce as its tainted and evil cousin. While the enclosure of the public domain by corporate use of IPR regimes may indeed be detrimental to the free flow and reworking of creative ideas within culture, there are a number of things that should be considered alongside it. Moving away from a model which opposes culture to commerce is a fruitful strategy.

The idea of the appropriation of culture by commerce (a common one in IP debates) rests on an assumption that there is an outside of commerce from which symbols and cultural

production can be appropriated. Terranova presents us with an alternative way of framing the process:

> Rather than capital 'incorporating' from the outside the authentic fruits of the collective imagination, it seems more reasonable to think of cultural flows as originating within a field which is always and already capitalism. Incorporation is not about capital descending on authentic culture, but a more immanent process of channelling of collective labor (even as cultural labor) into monetary flows and its structuration within capitalist business practices.[24]

To view the process in this way gives us a way of accounting for the active participation and generation of cultural products by players within the commercialised gaming environment. It also offers a way of constructing the site of online gaming as one where power is not necessarily entirely a relation of domination by corporations, but where there is room for an exploration of the relations of power and agency held by different stakeholders.

We need to recognise that while Sony imposes contractual obligations that may be dubious, (and it behoves us to determine whether such regulated spaces in fact infringe on the rights of participants), players, in their passionate, voluntary and willing participation hold particular kinds of power as well. The reliance of Sony and other game developers on player communities for content creation of various forms – both the tangible and the more intangible social forms – means they are subject to the goodwill of these player communities.

In this always unfinished media product, the publishers rely on the players to continue the cycle of development. Thus we could see the game as a result of a combination of paid and unpaid labour. This is a model not confined to games. Leadbeater in his discussion of features of the knowledge economy points out that:

> The more knowledge-intensive products become, the more consumers will have to be involved in completing their production, to tailor the product to their needs. …In a knowledge driven economy, consuming will become more a relationship than an act … with the consumer as the last worker on the production line…”[25]

Games are an exemplar of this process, with the ongoing involvement of players in dialogue with developers, and with the persistent 'customisation' of the game to suit player needs through the construction of social relationships and their choice of practices within the game.

In terms of developers harnessing the content creation capacities of the players, Banks[26] is most instructive. His account of the relationship between the very active content-creator community of players and the games development company he worked for, highlights dilemmas common to many organisations that work with both paid and voluntary labour. Who has access to what information, and who makes decisions, are areas which can generate a great deal of tension. Unpaid labour cannot be subjected to the same constraints as paid labour. They are not as amenable to being told what to do. They are an unruly labour force. However the developers cannot risk alienating them. If a player community turns against a developer they can 'trash' the game, ruin its reputation and its viability. As Herz says 'The amount of damage a group of malevolent or disgruntled players can do to a games' commercial prospects is significant'[27] .

I am not suggesting that the players in this process are somehow on an equal footing with the developers. I do wish to point to the ways in which they have recourse to certain forms of power, and their agency, whilst constrained, is nevertheless a far cry from being unambiguously 'exploited'. I also don't wish to construct this agency as 'resistant' or embodying some political agenda, but as freely given labour that embodies active participation in a productive process. The unpaid labour of the players is not peripheral to the commercial success of a game – it is central[28]. The value of both the content creation labour, and the affective labour is recognised by the developers and publishers. The regulation to which this broadly defined labour force is subjected, and the power which it exerts are areas still in need of investigation.

Conclusion

This paper has shown that multiplayer online games have, through their structural differences from 'old' media, generated new cycles of production and new kinds of relationships. In tracing the ways in which players invest in the game and are productive in a number of ways integral to the game, it emerges that linear models of media publication can no longer apply to this form of media. Linear media are seen to have a particular suite of regulatory practices surrounding them – most notably copyright and IP, and content regulation. While these regimes of regulation are still appropriate up to a point, MMOGs require a broader framework than that offered by such frameworks. The dynamic, mutable and emergent qualities of the online multiplayer game exceed the limits of the reifying processes embodied by copyright law and content regulation systems.

The social and community elements of the game, shown here to be structural and integral to the text, have nonetheless become subject to IP law. Thus social relationships generated in digital form are becoming subject to property laws, in which they might be owned by a third party.

In the convergence of publication and service provision exemplified by this media, publishers make profits from the social and community relations of people. This commodification of community and relationships requires careful consideration. The 'service' of provision, maintenance, and extension of a game world, is probably best carried out by commercial entities, given the enormous amount of work involved in developing and maintaining the infrastructure of the game technology. In Western societies at least, the spheres of culture and commerce are intertwined at many points, and the relationship between them is not necessarily exploitative. Players voluntarily participate and are shown to have agency and

power within their relationship to the publishers. The aspect of concern is the type of regulation imposed by the publisher on the community. In such a panoptical environment, the potential for invasive or unreasonable limits and constraints to be imposed are high. How do the contractual obligations of the EULA intersect with the rights of individuals to privacy, freedom of expression, freedom from discrimination and other state-based regulations that afford people protection?[29]

In this context, content regulation seems a more pertinent framework than property laws which address ownership, distribution and access to media. But content, being mutable and dynamic, created by both publisher and player, cannot be adequately addressed through a 'ratings' and censorship system. Content is no longer 'fixed' in the manner of conventional media, but is now a combination of textual features such as rules and aesthetics, and of community and social relationships. Protections need to be provided in a manner that ensures the rights of participants are not infringed by corporate practices, at the same time as recognising the needs of companies to facilitate engaging and healthy communities. Achieving the balance between these interests is always a culturally subjective process, but one that should possibly occur in a state-based system, rather than be left to the corporations to invent and manage. A system of accountability extending beyond current property and content regulation regimes seems in order.

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1 See for example John Hartley *Uses of Television*. London and New York: Routledge, 1999.

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7 Yee, Nicholas. "The Norrathian Scrolls" Version 2.5 2001. http://www.nickyee.com/eqt/report.html. (accessed Oct 17, 2002).

8 Stephen Kline and Avery Arlidge. "Online Gaming as Emergent Social Media: A Survey." Vancouver: Media Analysis Laboratory, Simon Fraser University, http://www2.sfu.ca/media-lab/onlinegaming/report.htm, (accessed February 12, 2003).

9 In this paper, I use the term publisher to encompass the term developer, as Sony Online Entertainment (the publisher of EQ) has bought out the company that developed this game – Verant, and is now the developer and publisher. In the sense that this product is one in continual development and continual publication, this makes more sense than with some other types of media.

10 J.C. Herz "Multi-Player Worlds Online." In *Game On*, Lucien King, (ed.) London: Laurence King Publishers, 2002, p87.

11 JC Herz "Multi-Player Worlds Online", p87.

12 This was indeed the case when I discussed ideas for this paper with a social sciences professor of internet studies.

13 Yochai Benkler, "The Political Economy of Commons." *Upgrade IV*, 3, 2003.

14 Ronald V. Bettig, "Critical Perspectives on the History and Philosophy of Copyright." *Critical Studies in Mass Communication* 9, (2) 1992, pp130 – 55; Berndt Hugenholtz, "Copyright, Contract and Technology - What Will Remain of the Public Domain?" *Copyrites*, 31, 1999; Rosemary J. Coombe, "Commodity Culture, Private Censorship, Branded Environments, and Global Trade Politics: Intellectual Property as a Topic of Law and Society Research" in Austin Sarat (ed.) *Companion Guide to Law and Society*, London: Basil Blackwell, 2003; Joost Smiers, "The Abolition of Copyrights: Better for Artists, Third World Countries and the Public Domain" in Ruth Towse (ed.) *Copyright in the Cultural Industries*, Cheltenham: Edward Elgar Publishers, 2002; T.L. Taylor, "'Whose Game Is This Anyway?': Negotiating Corporate Ownership in a Virtual World" in Frans Mayra (ed.) *Computer Games and Digital Cultures Conference Proceedings*, Tampere, Finland, June 6-8 , Tampere University Press, 2002, pp227-242.

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16 Rifkin, Jeremy. *The Age of Access*. London: Penguin, 2000; Frow, John "Res Publica." *Australian Book Review*, 208, 1999.

17 Hugenholtz, "Copyright, Contract and Technology - What Will Remain of the Public Domain?".

18 Vaidhyanathan, Siva. "'Pro-Gumbo':Culture as Anarchy." Open Democracy, http://www.opendemolcracy.net/debates/article-8-101-1348.jsp (accessed July 17, 2003); Smiers, "The Abolition of Copyrights: Better for Artists, Third World Countries and the Public Domain"; John Frow, "Public Domain and the New World Order in Knowledge" *Social Semiotics* 10, (2) 2000, pp173-85.

19 Coombe 1998, quoted in Smiers "The Abolition of Copyrights: Better for Artists, Third World Countries and the Public Domain.", 2002, p.128.

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21 Taylor, "'Whose Game Is This Anyway?': Negotiating Corporate Ownership in a Virtual World" p. 232.

22 Taylor, "'Whose Game Is This Anyway?': Negotiating Corporate Ownership in a Virtual World" p. 233.

23 Edward W. Soja, "Digital Communities, Simcities, and the Hyperreality of Everyday Life." Paper presented at the *Transarchitectures: Visions of Digital Community Conference*, June 5-6, 1998; Rifkin *The Age of Access*.

24 Terranova, Tiziana. "Free Labor: Producing Culture for the Digital Economy." *Social Text* 18, (2) 2000, p36.

25 Charles Leadbeater, Living on Thin Air. London: Penguin, 2000, pp32-33.

26 John Banks, "Negotiating Participatory Culture in the New Media Environment: Auran and the Trainz Online Community - An (Im)possible Relation." Paper presented at the *Digital Arts Conference*, Melbourne, 20-23 May 2003.

27 J.C. Herz, *Release1.0* 20, (9) 2002, p21.

28 J.C. Herz, "Harnessing the Hive: How Online Games Drive Networked Innovation."; Banks "Negotiating Participatory Culture in the New Media Environment: Auran and the Trainz Online Community - an (Im)Possible Relation"; Banks "Gamers as Co-Creators: Enlisting the Virtual Audience - a Report from the Net Face" in Mark Balnaves, Tom O'Regan and Jason Sternberg (eds.) *Mobilising the Audience*. Brisbane: UQ Press, 2002, pp. 188 - 212; Celia Pearce, "Emergent Authorship: The Next Interactive Revolution." *Computers and Graphics* 26, (1) 2002, pp21-29.

29 I recognise that different countries have different systems of protections and regulation with regard to these issues, but am speaking here more of the broad principles involved.